



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KECK *et al.*

Serial No.: 09/601,997

Conf. No.: 5984; Customer No. 24961

Filing Date: December 15, 2000

For: **NON-BACTERIAL CLONING IN  
DELIVERY AND EXPRESSION OF  
NUCLEIC ACIDS**

Art Unit: 1635

Examiner: Epps, Janet L.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

05/07/2003  
Date

Michael Lough

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed after receipt of a First Office Action on the merits for the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The enclosed reference was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the attached Supplemental Information Disclosure Statement. Form PTO-1449 (1 page) and a copy of the cited document is provided herewith. To the knowledge of the

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02 FC:1806

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**U.S.S.N. 09/601,997**

**Keck *et al.***

**Supplemental Information Disclosure Statement**

applicant's representative, after making reasonable inquiry, no item of information contained in this Form PTO-1449 was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Applicant also makes known to the Examiner the following co-pending U.S. and International applications that have one or more common inventors and/or one or more common owners:

<u>U.S.S.N.</u>	<u>Filing Date</u>	<u>Docket No.</u>
10/211,073	07/31/02	2302BUS
10/197,954	07/16/02	2305
10/244,715	09/16/02	2306BUS
60/441,398	01/16/03	P2309

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By: 

Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 24743-2307US  
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